

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, } Case No. 90CR1181-L
Plaintiff/Respondent, }
v. }
RONALD LIQUORI, SR. (1), }
Defendant/Petitioner. }

Petitioner filed a Motion to Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(2) requesting that his sentence be reduced from a life sentence to thirty years based on Amendment 371. (Mot. 8 [ECF NO 577]). Upon the Court's request, Federal Defenders of San Diego filed supplemental briefing in support of Petitioner's motion, arguing that although Petitioner filed his motion under section 3582, it was more properly characterized as a motion to vacate, set aside, or reduce sentence pursuant to 28 U.S.C. § 2255. (Supp. Brief. at 5-6).

The Government opposed the section 2255 motion on both substantive and procedural grounds, contending in part that the Court should deny the petition because it was Petitioner's sixth section 2255 motion, and the Ninth Circuit had not granted Petitioner the right to file another section 2255 petition. (Gov't Oppo at 9).

1 On March 15, 2018, the Government filed a Motion to Dismiss the section 2255
2 motion as moot because Petitioner passed away on September 8, 2017. In light of
3 Petitioner's death, it is immaterial whether the Court construes the motion as one
4 brought pursuant to section 3582 to reduce his sentence, or under section 2255 to
5 vacate the sentence, as neither form of relief may be granted. *Griffey v. Lindsey*, 349
6 F.3d 1157 (9th Cir. 2003); *United States v. Strong*, 489 F.3d 1055, 1059 (9th Cir. 2007).
7 Accordingly, the Court **DISMISSES** Petitioner's motion as moot.

8 **IT IS SO ORDERED.**

9
10 Dated: March 16, 2018



11 Hon. M. James Lorenz
12 United States District Judge

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28